

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed, but be printed in the Journal.

CLARK, Chairman.

Committee Room.

Austin, Texas, Feb. 21, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

S. B. No. 358, A bill to be entitled "An Act to amend Section 2 of Chapter 129 of the General Laws of the State of Texas, passed by the Thirty-fifth Legislature at its Regular Session, entitled 'An Act establishing a bureau of vital statistics for the State Board of Health, providing for an adequate system for the registration of births and deaths in the State of Texas, providing penalties for the violation of any of the provisions of this Act, making appropriation for the efficient enforcement of the same, and declaring an emergency.'"

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed but be printed in the Journal

CLARK, Chairman.

THIRTY-SECOND DAY.

Senate Chamber,
Austin, Texas,

Thursday, February 22, 1923.

The senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor T. W. Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Parr.
Baugh.	Pollard.
Bowers.	Rice.
Clark.	Ridgeway.
Cousins.	Rogers.
Darwin.	Strong.
Davis.	Stuart.
Doyle.	Thomas.
Fairchild.	Turner.
Floyd.	Watts.
Holbrook.	Wirtz.
Lewis.	Wood.
McMillin.	Woods.
Murphy.	

Absent.

Witt.

Absent—Excused.

Bledsoe.

Dudley.

Burkett.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Watts.

(See Appendix for committee reports and petitions.)

Excused.

Senator Burkett for today and indefinitely, on account of sickness, on motion of Senator Woods.

H. B. No. 168.—Additional Members of Free Conference Committee.

The Chair announced the appointment of Senators Bailey and Strong as additional members of conference committee on House Bill No. 168.

H. C. R. No. 4.—Investigating Committee Appointed.

The Chair announced the appointment of the following committee for investigation of the contracts let by the State Text Book Commission as provided by House Concurrent Resolution No. 4:

Senators Darwin, Bowers and Wirtz.

Bills and Resolutions.

Be Senator Davis:

S. B. No. 374, A bill to be entitled "An Act to amend Article 1121, Chapter 2, Title 25, Revised Civil Statutes of the State of Texas, 1911, relating to private corporations, by adding thereto a section providing for the formation of private corporations for the purpose of acting as agent or agents of any fire, fire and marine, marine, tornado, rent, accident, casualty, liability, health, elevator, disability, title, surety or fidelity insurance companies, legally authorized to do business in this State, and for licensing and the issuance of certificates of authority, to such corporations by the Commis-

sioner of Insurance and Banking; repealing all laws and parts of laws in conflict therewith."

Read first time and referred to Committee on Insurance and Banking.

By Senator Ridgeway:

S. B. No. 375, A bill to be entitled "An Act making it unlawful for any person, firm or corporation to sell, or offer for sale, for human consumption any milk showing unnatural or abnormal cream line, or quantity of cream which was produced by any unnatural, artificial, or mechanical method, providing for appropriate penalty for the violation thereof."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Dudley:

S. B. No. 376, A bill to be entitled "An Act to authorize the commissioners' courts of Hudspeth and Culberson Counties, Texas, each to pay the sum of seventy-five dollars per month to the office of district attorney of the Thirty-fourth Judicial District of Texas, and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

H. B. No. 102 on Third Reading.

The Chair laid before the Senate, as regular order, on its third reading and final passage,

H. B. No. 102, A bill to be entitled "An Act to provide for revising, digesting, annotating and publishing the civil and criminal laws of the State of Texas, and to require the commissioners appointed to revise the statute; to prepare two bills, one providing a civil and one a criminal code of practice in the courts of this State, and report the same to the Governor, who shall submit the same to the Legislature."

The bill was read third time.

Senator Bailey offered the following amendment to the bill:

Amend committee amendment to House Bill No. 102, as follows:

Strike out the words "not required to be preserved" on page 5, line 3 of the printed bill, and insert in lieu thereof the words "required to be preserved as near as practicable."

The amendment was adopted by unanimous consent.

The roll was then called and House Bill No. 102 was passed by the following vote:

Yeas—27.

Bailey.	Pollard.
Baugh.	Rice.
Bowers.	Ridgeway.
Clark.	Rogers.
Cousins.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.
Parr.	

Absent.

Murphy.

Absent—Excused.

Bledsoe.

Dudley.

Burkett.

H. B. No. 132 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 132, A bill to be entitled "An Act to amend Article 465 of the Code of Criminal Procedure of the State of Texas, and to further define the mode of prosecuting the offense of perjury in certain cases."

The bill was read third time and passed.

H. B. No. 225 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 225, A bill to be entitled "An Act to prohibit the hunting, trapping, ensnaring or killing of any wild deer, buck, doe or fawn within the limits of the county of Bosque, State of Texas, for a period of five years from and after the passage of this Act, and providing a penalty therefor, and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—20.

Bailey.	Doyle.
Bowers.	Floyd.
Cousins.	Holbrook.
Davis.	Lewis.

McMillin.	Stuart.
Parr.	Thomas.
Pollard.	Turner.
Rice.	Watts.
Rogers.	Witt.
Strong.	Woods.

Nays—5.

Clark.	Wirtz.
Fairchild.	Wood.
Ridgeway.	

Absent.

Darwin.	Baugh.
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Absent—Excused.

Bledsoe.	Dudley.
Burkett.	Murphy.

H. B. No. 295 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 295, A bill to be entitled "An Act to amend Section 72 of Chapter 87 of the Acts of the Regular Session of the Thirty-fifth Legislature, providing for the election of directors of water improvement districts, and that in certain specified districts such directors shall be appointed by the county commissioners' court, such districts being those which contain not to exceed twelve thousand acres of land, and in which sixty per cent or more of the lands are owned by persons living outside of the district, but who live within the county in which such district is located; providing time of appointment of such directors, and that petitions may be filed with said court by the land owners asking for appointment of certain persons as directors, and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—27.

Bailey.	Holbrook.
Baugh.	Lewis.
Bowers.	McMillin.
Clark.	Murphy.
Cousins.	Pollard.
Darwin.	Rice.
Davis.	Ridgeway.
Doyle.	Rogers.
Fairchild.	Strong.
Floyd.	Stuart.

Thomas.	Wood.
Turner.	Witt.
Watts.	Woods.
Wirtz.	

Absent.

Parr.	Absent—Excused.
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Bledsoe.	Dudley.
Burkett.	

H. B. No. 335 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 335, A bill to be entitled "An Act amending Sections 3, 5 and 6 of Chapter 33 of the General Laws of the State of Texas, passed by the Thirty-seventh Legislature at its Regular Session, approved March 18, 1921, which was an Act entitled, 'An Act reorganizing and adjusting the Fourth and Seventy-first Judicial Districts of Texas, incorporating Gregg County in the Seventy-first Judicial District and fixing the time of holding court in each of the several counties of said two districts and providing for the proper administration of said courts; and declaring an emergency,' the purpose of this amendment being to amend Section 3 of said Act so as to rearrange the times of holding courts in the Seventy-first Judicial District of Texas, which composes Harrison and Gregg counties, and making provision for the validity of process and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—28.

Bailey.	Parr.
Baugh.	Pollard.
Bowers.	Rice.
Clark.	Ridgeway.
Cousins.	Rogers.
Darwin.	Strong.
Davis.	Stuart.
Doyle.	Thomas.
Fairchild.	Turner.
Floyd.	Watts.
Holbrook.	Wirtz.
Lewis.	Witt.
McMillin.	Wood.
Murphy.	Woods.

Absent—Excused.

Bledsoe.	Dudley.
Burkett.	

H. B. No. 367 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 367, A bill to be entitled "An Act to amend an Act passed by the Thirty-second Legislature of the State of Texas, at its Regular Session, creating the county court of Bexar County for civil cases, by House Bill No. 111, approved on February 20, 1911, as found on pages 15, 16 and 17, of the session laws of said Legislature by adding another section thereto, to-wit: Section 12a, providing for the appointment of an official shorthand reporter for said court for the purpose of preserving a record in all cases tried in said causes; providing for the salary and fees of such shorthand reporter, and providing for additional costs to be taxed in each case now pending and hereafter to be filed in said court, and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—27.

Bailey.	Pollard.
Baugh.	Rice.
Bowers.	Ridgeway.
Clark.	Rogers.
Cousins.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.
Parr.	

Present—Not Voting.

Murphy.

Absent—Excused.

Bledsoe.	Dudley.
Burkett.	

H. B. No. 478 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 478, A bill to be entitled "An Act creating an independent school district to be known as the Riverdale Independent School District in Goliad County, and to provide for a board of trustees and other

officers of such district; to authorize the board of trustees to levy and assess and collect special taxes, and to issue and dispose of bonds of such district for the purpose of purchasing school sites, and erecting, repairing, furnishing and equipping school buildings within the same and to pay current expenses in the maintenance and support of the public schools therein, and to further prescribe the duties and authority of the board of trustees and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—28.

Bailey.	Parr.
Baugh.	Pollard.
Bowers.	Rice.
Clark.	Ridgeway.
Cousins.	Rogers.
Darwin.	Strong.
Davis.	Stuart.
Doyle.	Thomas.
Fairchild.	Turner.
Floyd.	Watts.
Holbrook.	Wirtz.
Lewis.	Witt.
McMillin.	Wood.
Murphy.	Woods.

Absent—Excused.

Bledsoe.	Dudley.
Burkett.	

H. B. No. 33 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 33, A bill to be entitled "An Act requiring the labeling of all cloth, fabric, garments or articles of apparel sold or offered for sale in this state which contain wool or purport to contain wool, and samples containing or purporting to contain wool displayed in this State in soliciting orders, and providing for punishment for violation of this Act."

The bill was read second time, and on motion of Senator Stuart, further consideration of the bill was postponed until next Thursday.

H. B. No. 266 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 266, A bill to be entitled

"An Act to amend Chapter 3, Special Laws of the Thirty-fifth Legislature, enacted at its Regular Session, creating the Hearne Independent School District; the said amendment providing for re-defining the boundaries of said school district and providing for the extension of said district and the annexation of adjacent territory thereto; providing for retention in office of present board of trustees and confirming the rights of the present board of trustees under the General Laws of the State; validating all taxes and bonds now in force; providing for elections to determine (1) whether or not the indebtedness of the Hearne Independent School District, (2) of the additional territory annexed by this Act, shall be assumed by the Hearne School District as extended by this Act, and (3) whether or not the taxes for the district shall be levied, assessed and collected on all property in said district as extended by this Act, and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

(Senator McMillin in the Chair.)

H. B. No. 350 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 350, A bill to be entitled "An Act to create the Granbury Independent School District in Hood County, Texas, including the present Granbury District of said county, providing for a board of trustees therefor, vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas; providing that the board of trustees of the present Granbury District shall continue to act as such until their successors are elected in accordance with the General Laws of Texas, and declaring an emergency."

The bill was read second time and the committee report that the bill be not printed was adopted.

Senator Stuart offered the following amendment to the bill:

Amend House Bill No. 350 by adding thereto Section 3a, said section to read as follows:

"Section 3a. The existing bonded indebtedness against the city of Granbury for school purposes, when assumed by the Granbury Independent School District, as herein provided, is hereby validated and made a valid and binding obligation upon and against the Granbury Independent School District as created and established by this Act; provided that the Granbury Independent School District shall not assume any of such bonded indebtedness, except after an election shall have been held for that purpose wherein a majority of the property taxpaying votes of said Granbury Independent School District in said election shall have voted in favor of such assumption, such election to be called and held as elections for bonds for independent school districts are held under the laws of this State, and at such election every person favoring the assumption of such indebtedness shall have written or printed on his ballot, 'For the assumption by the Independent School District of Granbury, Texas, of the bonded indebtedness of the city of Granbury for school purposes,' and those property tax paying voters opposing the assumption of such indebtedness shall have written or printed on their ballots, 'Against the assumption by Granbury Independent School District of the bonded indebtedness against the city of Granbury for school purposes,' and if a majority of the votes cast at such election shall be in favor of the assumption of such indebtedness, the board of trustees of the Granbury Independent School District shall then have authority to issue refunding bonds for such indebtedness, which refunding bonds and their issuance, registration and approval shall be governed by the General Laws of this State, except wherein the same conflict with this Act. The refunding bonds herein authorized may be issued to bear the same or less rate of interest than the bonds of the city of Granbury in lieu of which they are issued and may be issued to mature serially or otherwise and to conform otherwise to the General Laws authorizing the issuance of bonds by independent school districts."

The amendment was adopted.

Senator Stuart offered the following amendment to the bill:

Amend the caption of House Bill No. 350 by inserting in the last line of said caption after the word "Texas" the following:

"Providing for the assumption and refunding by the Granbury Independent School District of the bonded indebtedness for school purposes of the city of Granbury, Texas."

The amendment was adopted.

H. B. No. 350 was then passed to third reading.

H. B. No. 415 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 415, A bill to be entitled "An Act to create the Laparita Valley Independent School District out of a part of the Charlotte Independent School District, and a part of the Jourdontown Independent School District, in Atascosa County, Texas; defining the metes and bounds and providing for a board of trustees therefor; and defining their powers and duties; vesting it with all the rights and duties of districts incorporated for free school purposes under the General Laws of the State of Texas; providing for the payment by the Laparita Valley Independent School District of the pro rata share of the bonded indebtedness of the Charlotte Independent School District, and of the Jourdontown Independent School District, respectively, and validating said obligations; providing for commissioners of estimate, and fix said pro rata share of said bonded indebtedness, and providing for the compensation of said commissioners; repealing all special laws insofar as they conflict herewith, and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

H. B. No. 432 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 432, A bill to be entitled "An Act creating the Green Lake

Common School District No. 8 in Roberts County, Texas; defining its boundaries; investing said district with rights, privileges and duties of a common school district, under the General Laws of Texas, and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

H. B. No. 455 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 455, A bill to be entitled "An Act repealing Chapter 96 of the Special Laws passed at the Third Called Session of the Thirty-sixth Legislature of the State of Texas, and now creating the Sharp Independent School District in Milam County, Texas, and placing said district under the General Laws governing the school districts incorporated for school purposes only, under the General laws of Texas; providing for a board of trustees; providing that this Act shall not invalidate local school taxes heretofore voted by the previously existing Common School District No. 76 of Milam County, nor of the previous Sharp Independent School District, and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

H. B. No. 456 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 456, A bill to be entitled "An Act transferring certain lands from Johnson Independent School District in Terry County, Texas, to and making same a part of Harris Common School District No. 18 in Terry County, Texas; providing that the county school trustees of Terry County shall re-define the boundaries of said Johnson Independent School district and Harris Common School District No. 18 and cause correct field notes of each of said

districts to be recorded in the proper records of Terry County, and declaring emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

H. B. No. 477 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading.

H. B. No. 477, A bill to be entitled "An Act taking certain territory from the Estelline Independent School District in Hall County, and from Parnell Common School District No. 18 in Hall County and adding same to Hulver Common School District No. 5 in Hall County; providing for an election at which the qualified tax-paying voters of said Hulver District, as thus enlarged, may determine whether it shall assume and be taxed to pay the pro rata portion of taxes, which the said territory taken from said adjacent districts may be subject to on account of any outstanding school house bond issues previously made by such districts, and whether the property in said Hulver District, as enlarged, shall all be subject to any special school taxes previously voted by said Hulver District, and whether the property of such district, as so enlarged, shall be subject to taxes for the support of any previous bond issue by the defining of the boundary lines of said district, as thus enlarged; specifying the jurisdiction which the county board of school trustees shall have with respect to the boundaries and territory of such enlarged district, and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

S. B. No. 340 on Third Reading

The Chair laid before the Senate as regular order, on its third reading and final passage,

S. B. No. 340, A bill to be entitled "An Act creating the Nada County Line Common School District, composed of territory in Colorado and Wharton counties, to be under the jurisdiction of Colorado county for all

school purposes, defining its boundaries, providing for the election of a board of trustees to manage and control the public free schools within its boundaries, providing that the local maintenance tax now levied in each portion of said district shall not be abrogated by the passage of this Act, providing that same shall continue to be assessed, levied, and collected until said district holds an election to determine its rate of taxation, if any; providing that the portion of said district lying in Wharton county shall not be released by the passage of this Act from the payment of its pro rata share of the bond tax now being levied, assessed and collected therein as a part of the Taiton Common School District No. 29 of Wharton county, but the same shall continue to be levied, assessed, and collected from it until all bonds now outstanding against said Taiton District are fully paid off and discharged; providing that said Nada County Line Common School District shall be governed by the General Laws of Texas relating to such district when not in conflict with this Act; providing that the board of trustees now in authority in the Nada Common School District of Colorado county, Texas, shall continue in authority for the Nada County Line Common School District until the next election for school trustees as provided by law for such districts when two of their successors shall be elected, and that an election be held thereafter each year, as provided by the General Laws of the State, and declaring an emergency."

The bill was read third time, and passed by the following vote:

Yeas—28.

Bailey.	Parr.
Baugh.	Pollard.
Bowers.	Rice.
Clark.	Ridgeway.
Cousins.	Rogers.
Darwin.	Strong.
Davis.	Stuart.
Doyle.	Thomas.
Fairchild.	Turner.
Floyd.	Watts.
Holbrook.	Wirtz.
Lewis.	Witt.
McMillin.	Wood.
Murphy.	Woods.

Absent—Excused.

Bledsoe.
Burkett.

Dudley.

S. B. No. 134 on Second Reading.

The Chair laid before the Senate as regular order, on second reading, S. B. No. 134, A bill to be entitled "An Act to amend Chapter 60 of the General Laws of the State of Texas passed by the Thirty-fifth Legislature as originally enacted, as amended by Chapter 12, General Laws of the First Called Session of the Thirty-fifth Legislature, as amended by the General Laws of the Third Called Session of the Thirty-sixth Legislature by adding thereto fourteen (14) additional sections designated as 15f, 15g, 15h, 15i, 15j, 15k, 15l, 15m, 15n, 15o, 15p, 15q, 15r, and 15s. This amendment provides in substance that when cattle or sheep are found to be infected with cattle or sheep scabies, or are exposed or have been exposed thereto, or are upon premises where such scabies are known to have been within a certain period of time, the owners and care-takers thereof shall dip said cattle or sheep in a dip solution provided therefor at certain stated intervals after having first been notified by the Live Stock Sanitary Commission or its chairman to so dip the same. Providing the contents of the notice to be given, providing for hearings to be had upon contest of such dipping order, providing for court review of such hearing; providing for inspection to be had of cattle or sheep and premises by the Live Stock Sanitary Commission or its representatives under certain conditions. Providing for reasonable time after contest of dipping order to be given for the owners or care-takers to comply with said dipping order. Providing that owners and care-takers of such animals shall gather same for inspection and a failure or refusal so to do shall be prima facie evidence that such animals or the premises where same are kept are infected with scabies; providing for disinfection or shearing plants, machinery and implements and the wearing apparel of laborers engaged in shearing sheep infected with scabies or located upon premises under quarantine for sheep scabies and providing manner of such disinfection and fixing penalties for violation

thereof; providing for disinfection of premises under quarantine for sheep scabies infection and how the same shall be disinfected and the disinfectant to be used therefor and providing penalties for failures to so disinfect said premises; providing where the owners and care-takers of cattle or sheep required to be dipped for infection or exposure, fail or refuse to dip cattle or sheep when ordered so to do, the commissioners' court of the county shall cause said animals to be dipped under the direction and supervision of an authorized inspector or of the Live Stock Sanitary Commission and providing for the payment of expenses out of the general fund of the county and fixing a lien upon the cattle or sheep so dipped in behalf of the county and providing for foreclosure of said lien. Making it unlawful for any person, company or corporation to transport over any public road or railroad or on the lands and premises of another cattle or sheep infected with scabies, prohibiting the importation into this State of sheep except under certain requirements and providing how sheep imported shall be billed and providing penalties for importation of sheep in violation thereof; providing that this act is cumulative of all existing statutes in reference to the quarantine of cattle and sheep or premises for the eradication of cattle and sheep scabies; providing that this Act shall be liberally construed and if any section be declared invalid the remaining parts of the law shall not be affected thereby; repealing Title 136 of the Revised Civil Statutes of 1911 and all laws or parts of laws in conflict with this Act, and declaring an emergency."

The bill was read second time.

Senator Parr offered the following amendments to the bill:

(1)

Amend line 12, page 1 of the caption of the printed bill by striking out the figure 14 and insert in lieu thereof 15.

(2)

Amend line 13, page 1 of the caption of the printed bill by striking out the words "and 15," and insert in lieu thereof "15s and 15t."

(3)

Amend line 8, page 2 of the caption of the printed bill by striking out the word "are" and insert in lieu thereof the word "or."

(4)

Amend line 4, page 3 of the printed bill by striking out the figure "14" and insert in lieu thereof the figure "15."

(5)

Amend lines 5, 6, page 3 of the printed bill by striking out the words "and 15s" and insert in lieu thereof "15s and 15t."

(6)

Amend Section 151, page 4, lines 25 to 31 of the printed bill by striking out all of said Section after the word "commercial" in line 25 and insert in lieu thereof the following: hydrated lime (not air-slaked lime) and twenty-four pounds of flower of sulphur to each one hundred gallons of water, maintained at a strength of not less than 21-2 per cent sulphid sulphur, And the same shall be at all times maintained at a temperature of not less than ninety-five degrees or more than one hundred and ten degrees Fahrenheit.

(7)

Amend the printed bill, page 11, line 6, by inserting before the word "no" the words "Sec. 16t."

(8)

Amend the printed bill, page 11, line 27, by inserting before the word "This" the words "Sec. 3."

The amendments were adopted severally.

Senator Bowers offered the following amendment to the bill:

Amend Senate Bill No. 134, page 6, line 14, by striking out the words "in the office of the chairman of said commission," and inserting the following: "in the county site of the county of the person, company, or corporation owning, controlling or caring for said cattle or sheep required to be dipped."

The amendment was adopted.

Senator Fairchild offered the following amendment to the bill:

Amend S. B. No. 134 by adding new Section 5a, page 12, providing that the owners of said sheep, cattle and goats shall dip them at their own expense and under their own direction.

Pending consideration of the amendment, on motion of Senator Fairchild, the bill was laid on the table subject to call.

S. B. No. 142 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

S. B. No. 142, A bill to be entitled "An Act to amend Article 7137, of

the Revised Statutes of Texas, relating to constables, providing for their election and terms of office and for the appointment of two deputies in justice precincts of eight thousand inhabitants or more, and for the appointment of five deputies in justice precincts where there is a city in said precinct of one hundred thousand inhabitants or more; and declaring an emergency."

The bill was read second time and passed to engrossment.

S. B. No. 175 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

S. B. No. 175, A bill to be entitled "An Act repealing that part of Section 2 of the Act contained in Chapter 99, of the legally published General Laws of the State of Texas, passed at the Regular Session of the Thirty-seventh Legislature, relating to exceptions to and exemptions from the Anti-pass Law, which is in the language, 'provided, that if any such railroad or transportation company shall grant to any sheriff a free pass over its lines of railroads, then it shall issue like free transportation to each and every sheriff in this State who may make to it written application therefor,' and declaring an emergency."

The bill was read second time.

Senator Thomas offered the following amendment to the bill:

Amend S. B. No. 175 by adding after the word "therefore," line 24, page 1, the following: "provided, however, when a pass so used by any sheriff in this State in the transportation of a prisoner or in the official discharge of his duties, he shall not be entitled to collect mileage."

The amendment was adopted.

Senator Clark offered the following amendment to the bill:

Amend S. B. No. 175, page 1, line 24, after the word "sheriff" and before the word "in" the words "and any person."

Pending consideration of the amendment, on motion of Senator Murphy, the bill was laid on the table subject to call.

S. B. No. 343 on Second Reading.

(Senator Bailey in the Chair.)

On motion of Senator Parr, by unanimous consent, the regular order

was suspended, and the Senate took up out of its regular order,

S. B. No. 343, A bill to be entitled "An Act to amend Section 7, Chapter 104, General Laws, passed at the Regular Session of the Thirty-seventh Legislature creating and establishing four counties out of the territory embraced in the counties of Cameron, Hidalgo, and Willacy, so as to provide for the collection of delinquent taxes in the new county as created and defined in the last paragraph of Section 1 of said Chapter by the proper officer of said county, and declaring an emergency."

The Chair laid the bill before the Senate, it was read second time, the committee report that the bill be not printed was adopted, and the bill was passed to engrossment.

S. B. No. 181 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

S. B. No. 181, A bill to be entitled "An Act to amend Article 3362 of the Revised Statutes of the State of Texas, relating to independent executors, their powers, and so forth."

The bill was read second time.

Yeas and nays were demanded, and the bill was passed to engrossment by the following vote:

Yeas—19.

Bailey.	Parr.
Clark.	Pollard.
Cousins.	Rice.
Darwin.	Ridgeway.
Davis.	Strong.
Doyle.	Stuart.
Fairchild.	Thomas.
Floyd.	Turner.
Holbrook.	Wood.
McMillin.	

Nays—7.

Baugh.	Watts.
Bowers.	Wirtz.
Lewis.	Woods.
Murphy.	

Present—Not Voting.

Rogers.	Witt.
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Absent—Excused.

Bledsoe.	Dudley.
Burkett.	

S. B. No. 324 on Second Reading.

Senator Clark moved that the regular order be suspended, and the Senate take up, out of its regular order,

S. B. No. 324, A bill to be entitled "An Act amending Article 993, Penal Code, so as to make it unlawful for any person, corporation or company engaged in the manufacture or sale of electricity, water or gas, or officer or employee thereof, to knowingly permit or cause any light, water or gas meter to register greater than the true amount of light, electricity, water or gas sold or furnished any customer; and declaring an emergency."

The roll was called and the motion prevailed by the following vote:

Yeas—24.

Bailey.	Pollard.
Bowers.	Ridgeway.
Clark.	Rogers.
Darwin.	Strong.
Davis.	Stuart.
Doyle.	Thomas.
Fairchild.	Turner.
Holbrook.	Watts.
Lewis.	Wirtz.
McMillin.	Witt.
Murphy.	Wood.
Parr.	Woods.

Nays—1.

Baugh.

Present—Not Voting.

Cousins.	Rice.
Floyd.	

Absent—Excused.

Bledsoe.	Dudley.
Burkett.	

The Chair laid the bill before the Senate, it was read second time, and the bill was passed to engrossment.

Recess.

Senator Watts moved that the Senate adjourn until 10 o'clock a. m. tomorrow in honor of Washington's birthday, and the motion was lost.

On motion of Senator Woods, the Senate at 12:10 p. m. recessed until 2:30 p. m. today.

Afternoon Session.

The Senate met at 2:30 p. m. and was called to order by Lieutenant Governor T. W. Davidson.

S. B. No. 152 on Engrossment.

Senator Turner called up Senate Bill No. 152 relating to "Establishing Court of Record in Bowie County, Texas" which was read second time on Feb. 6th and laid on the table subject to call.

The chair laid the bill before the Senate on its passage to engrossment.

Senator Turner offered the following amendments to the bill:

Amend S. B. No. 152 by striking out Sec. 3 in said bill on pages four and five of said bill, and inserting in lieu thereof the following:

Sec. 3: Jurisdiction and Powers: The Texarkana Court at Law shall have and exercise, within the territorial limits above defined, all the civil jurisdiction, at law and in equity, heretofore had and exercised by the District Court of the Fifth Judicial District of Texas, within and for the county of Bowie, and the county court of Bowie county, Texas and all such jurisdiction as may hereafter be vested by the constitution and laws of this state in the district and County Courts of this State; except and provided, the said Texarkana Court at Law shall not have or exercise jurisdiction in any of the following cases and classes of cases, to-wit:

- (a) Suits by the State to recover escheats or penalties;
- (b) Cases involving official misconduct or removal from office;
- (c) Contested election cases or proceedings;
- (d) Writs and proceedings of quo warranto and prohibition;
- (e) Probate matters, administration of estates of decedents or guardianship of infants or lunatics.

And the jurisdiction of the County Court of Bowie County, Texas, as a probate court, and the jurisdiction of the District Court of said county in probate matters, shall not in any manner be altered or affected by this Act.

Said Texarkana Court at Law shall also have original jurisdiction of all suits, complaints and pleas, whatso-

ever, without regard to distinction in law and in equity, as well as all proceedings under distress warrants issued by Justices of the Peace, when the amount in controversy shall exceed in value \$200.00, exclusive of interest; the Texarkana Court at Law, and the judge thereof, shall have power to issue writs of habeas corpus, mandamus, injunction, certiorari, and writs of attachments, sequestration, garnishment, citation, and all other writs that may be by law issued out of the District and County Courts of said State, necessary to enforce its jurisdiction.

And the court hereby established shall have and exercise jurisdiction in all cases that may be transferred thereto from the District Court of Bowie County, Texas, by agreement of the parties, or by order of court, where said case is pending, upon its own motion, or upon motion made by the parties thereto, under the provisions of law in such cases made and provided; and all laws for the removal or transfer of cases pending in the District Courts of this State, shall apply to the transfer of cases of this court.

Said Texarkana Court at Law shall have appellate jurisdiction in all cases, civil and criminal, in which an appeal is allowed, or which may be hereafter provided by law, to the county court of Bowie County, Texas, from any Justice Court, Mayor's Court, Recorder's, Corporation or other Court within said territorial limits upon the terms, requirements and conditions provided by law, in appeals from such inferior courts to the county court, and in criminal cases where an appeal now lies to the county court of Bowie County.

The said Texarkana Court at Law shall have original exclusive jurisdiction, within the territorial limits aforesaid, of all misdemeanor criminal cases (except cases involving official misconduct) when the crime or offense shall have been committed within the territorial limits hereinbefore defined, and of which the Justice Courts, or other inferior courts, have not jurisdiction, and upon return and filing indictments by the grand jury of Bowie County, the clerk shall transfer all such cases in which this court has jurisdiction, to said court as provided by law for the transfer of misdemeanor cases:

to the county courts of this state; said court hereby created shall have jurisdiction of all bail bonds and recognizance taken in any proceeding had before such court in all cases transferred to said court from the District Court or County Court of Bowie County, Texas; and may enter forfeitures thereof and final judgment, and enforce the collection of same by proper process, in manner as provided by law in such bond proceedings; and all appeal bonds, recognizance, or other obligations taken for the appearance of defendants, parties and witnesses in either the District Court or County Court of Bowie County, Texas, shall be binding on all such defendants, parties and witnesses, and their sureties for appearance in either of said courts, and the court hereby established, in which said case may be pending, or to which the same may be transferred; provided that as to all misdemeanor criminal cases arising within the territorial limits of the City of Texarkana, Texas, the said Texarkana Court at Law shall have original concurrent jurisdiction with the corporation court of the City of Texarkana, Texas, as to all such cases now within the jurisdiction of said corporation court. Said court shall also be a Juvenile Court with full power and jurisdiction to try delinquent children and to dispose of, control and handle all neglected or dependent children.

Amend S. B. No. 152 by striking out all of Section 14 on page 9 of said bill, and insert in lieu thereof the following:

Sec. 14. Venue. No person who is an inhabitant of the territory hereinbefore defined shall be sued in any other court than the Texarkana Court at Law in any case of which jurisdiction is herein given to said court, nor shall any such person be prosecuted in any other court for any offense committed within the territory hereinbefore defined and set out of which this court is given exclusive jurisdiction, except in such cases as he might be sued or prosecuted under existing law in other courts if he were an inhabitant of another county than Bowie, or State than Texas; except that citizens of Bowie County residing outside the territorial jurisdiction of the Texarkana Court at Law as defined by this Act, shall be permitted to bring suits against persons or corporations resid-

ing or having agents within the territorial jurisdiction of said court, either in the district court of Bowie County, or county court of said county, or in the Texarkana Court at Law, as the plaintiff may elect; and except and provided, that all suits hereafter brought in Bowie County against corporations domiciled or having agents representing them within the territorial jurisdiction of the Texarkana Court at Law, by non-resident citizens of the State of Texas, or by non-residents of Bowie County, Texas, shall be brought in the Texarkana Court at Law; and except and provided, further, that no citizens of Bowie County, Texas, residing outside of the territorial jurisdiction of the Texarkana Court at Law, shall be sued for the enforcement of, or breach of, any contract in writing in the Texarkana Court at Law, although such contract is by its terms performable in the territorial jurisdiction of said court, unless he shall have expressly contracted in writing that in the event of suit to enforce or for the breach of such contract such suit may be brought in such Texarkana Court at Law.

Except as herein modified and changed, Chapter 4, Title 37, Articles 1830 to 1834 of the Revised Statutes of Texas as they now exist and as they may hereafter be amended, and all other General Laws of the State regulating and defining venue of suits, and practice and procedure as to pleading and passed upon in the district court and county courts of this State, and prescribing the place where suit shall be brought as applied to the district and county courts, shall govern and control, and apply to the venue of suits brought or transferred to said Texarkana Court at Law in like manner as if the territory hereinbefore defined were a separate county or district, and where the word county or counties is used in said laws, they shall cover and apply to the territorial limits of the court herein created, as if, and in the same sense, as though the said territory over which this court has jurisdiction constituted and existed as a separate county.

Amend Senate Bill No. 152 by inserting the word "wholly" after the word "is" and before the word "situated" in the line next to the last line in Section 19 of said bill on page 10 of said bill.

The amendments were adopted severally.

S. B. No. 152 was then passed to engrossment.

S. B. No. 304—Recommitted.

On motion of Senator Baugh, S. B. No. 304 was recommitted to the Committee on Civil Jurisprudence.

S. B. No. 367—Re-Referred.

On motion of Senator Floyd, S. B. No. 367 was withdrawn from the Committee on Criminal Jurisprudence, and referred to the Committee on Roads, Bridges and Ferries.

S. B. No. 281—Vote Reconsidered.

Senator Parr called up the motion to reconsider the vote on S. B. No. 281, and the motion to reconsider prevailed.

Senator Parr moved to reconsider the vote by which the following amendment offered yesterday by Senator Murphy was tabled:

Amend Senate Bill No. 281, page 2, Section 2, by inserting after the word "released," line 22, and before the word "such," in line 22, the following: "and the maximum amount the county and any subdivision thereof can issue for said purposes."

The motion to reconsider prevailed.

The amendment was then adopted by unanimous consent.

S. B. No. 281 was finally passed by the following vote:

Yeas—19.

Bailey.	Parr.
Bowers.	Pollard.
Clark.	Ridgeway.
Cousins.	Strong.
Darwin.	Stuart.
Davis.	Turner.
Doyle.	Watts.
Fairchild.	Witt.
Floyd.	Wood.
Murphy.	

Nays—4.

Baugh.	Rogers.
McMillin.	Woods.

Absent.

Holbrook.

Absent—Excused.

Bledsoe.

(Pairs Recorded.)

Senator Thomas (present), who would vote nay; with Senator Burkett (absent), who would vote yea.

Senator Wirtz (present), who would vote nay; with Senator Rice (absent), who would vote yea.

Senator Lewis (present), who would vote nay; with Senator Dudley (absent), who would vote yea.

S. J. R. No. 17—Final Passage.

Senator Clark called up S. J. R. No. 17, relating to repealing the text book amendment to the Constitution, which was read third time on February 21, and laid on the table subject to call.

The Chair laid the resolution before the Senate on its final passage, with amendment by Senator Wood pending.

Senator Wood withdrew the amendment and offered the following amendment to the resolution:

Amend Senate Joint Resolution No. 17, page 2, line 1, by striking out all of line No. 1 after the word "counties" and by striking out all of lines 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of said page 2 and insert in lieu thereof the following:

"And the Legislature may authorize an additional ad valorem tax to be levied and collected within all school districts heretofore formed or hereafter formed, for the further maintenance of public free schools, and the erection and equipment of school buildings therein; provided, that a majority of the qualified property tax paying voters of the district voting at an election to be held for that purpose, shall vote such tax not to exceed in any one year one dollar on the one hundred dollars valuation of the property subject to taxation in such district, but the limitation upon the amount of school district tax herein authorized shall not apply to incorporated cities or towns constituting separate and independent school districts, nor to independent or common school districts created by General or Special Law."

Senator Wirtz offered the following amendment to the amendment offered by Senator Wood:

Amend the Wood amendment to S. J. R. No. 17 by striking out the words "nor to independent nor common school districts created by General or Special Law" appearing on the last three lines of the Wood amendment.

Senator Wood moved to table the amendment to the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—13.

Baugh.	Rogers.
Rowers.	Stuart.
Davis.	Turner.
Lewis.	Witt.
Murphy.	Wood.
Parr.	Woods.
Ridgeway.	

Nays—14.

Bailey.	Holbrook.
Clark.	McMillin.
Cousins.	Rice.
Darwin.	Strong.
Doyle.	Thomas.
Fairchild.	Watts.
Floyd.	Wirtz.

Absent.

Pollard.

Absent—Excused.

Bledsoe.	Dudley.
Burkett.	

Question recurring on the amendment to the amendment, yeas and nays were demanded, and the amendment to the amendment was lost by the following vote:

Yeas—13.

Bailey.	Holbrook.
Clark.	McMillin.
Cousins.	Rice.
Darwin.	Strong.
Doyle.	Watts.
Fairchild.	Wirtz.
Floyd.	

Nays—14.

Baugh.	Rogers.
Bowers.	Stuart.
Davis.	Thomas.
Lewis.	Turner.
Murphy.	Witt.
Parr.	Wood.
Ridgeway.	Woods.

Absent.

Pollard.

Absent—Excused..

Bledsoe.	Dudley.
Burkett.	

Question then recurred on the amendment by Senator Wood.

Senator Wirtz moved to table the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—12.

Bailey.	Holbrook.
Clark.	McMillin.
Cousins.	Rice.
Darwin.	Strong.
Fairchild.	Watts.
Floyd.	Wirtz.

Nays—15.

Baugh.	Rogers.
Bowers.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Lewis.	Witt.
Murphy.	Wood.
Parr.	Woods.
Ridgeway.	

Absent.

Pollard.

Absent—Excused.

Bledsoe.	Dudley.
Burkett.	

Question then recurred on the amendment by Senator Wood.

The roll was called and the amendment was adopted by the following vote:

Yeas—23.

Bailey.	Parr.
Baugh.	Ridgeway.
Bowers.	Rogers.
Clark.	Stuart.
Cousins.	Thomas.
Darwin.	Turner.
Davis.	Watts.
Doyle.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.
Murphy.	

Nays—4.

Fairchild.	Rice.
Floyd.	Strong.

Absent.

Pollard.

Absent—Excused.

Bledsoe.	Dudley.
Burkett.	

Question then recurred on the final passage of the resolution.

The roll was called and the resolution was lost by the following vote, not receiving the necessary two-thirds vote:

Yeas—17.

Bailey.	Ridgeway.
Baugh.	Rogers.
Bowers.	Stuart.
Clark.	Thomas.
Davis.	Watts.
Doyle.	Wirtz.
Holbrook.	Witt.
McMillin.	Wood.
Parr.	

Nays—9.

Darwin.	Rice.
Fairchild.	Strong.
Floyd.	Turner.
Lewis.	Woods.
Murphy.	

Absent.

Cousins.	Pollard.
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Absent—Excused.

Bledsoe.	Dudley.
Burkett.	

S. B. No. 197 on Second Reading.

Senator Witt moved that the regular order be suspended and that the Senate take up out of its regular order.

S. B. No. 197, A bill to be entitled "An Act to amend Section 1 of an Act passed by the Thirty-fourth Legislature of Texas and approved March 22, 1915, creating the Tenth Supreme Judicial District of Texas, the same being Chapter 70 of the Acts of the Regular Session of the Thirty-fourth Legislature and to create the Tenth Supreme Judicial District of Texas and to provide for the organization of a court of civil appeals within said Tenth Supreme Judicial District and to repeal all laws in conflict herewith, and declaring an emergency."

The roll was called and the motion prevailed by the following vote:

Yeas—21.

Bowers.	Rice.
Clark.	Ridgeway.
Cousins.	Rogers.
Darwin.	Strong.
Davis.	Stuart.
Doyle.	Turner.
Fairchild.	Watts.
Floyd.	Witt.
Lewis.	Wood.
McMillin.	Woods.
Parr.	

Nays—7.

Bailey.	Pollard.
Baugh.	Thomas.
Holbrook.	Wirtz.
Murphy.	

Absent—Excused.

Bledsoe.	Dudley.
Burkett.	

The Chair laid the bill before the Senate and it was read second time.

Senator Witt offered the following amendment to the bill:

Amend S. B. No. 197 by striking the counties of Bell, Milam and Lee from Subdivision 10 of Section 1, and adding same in Subdivision 3; and by striking the counties of Hill, Navarro and Henderson from said Subdivision 10 and adding same in Subdivision 5; and by striking from said Subdivision 10 the county of Eastland and add same to Subdivision 2; and by striking the counties of Burleson and Grimes from said Subdivision 10 and adding to Subdivision 1; and by striking Madison from Subdivision 1 and inserting in Subdivision 10.

By unanimous consent, on motion of Senator Witt, the bill was laid on the table subject to call, and the following proposed amendments were ordered printed in the Journal:

Amendment No. 2 to S. B. No. 197.

Amend S. B. No. 197, page 4, by adding a new section to be numbered as Section 4a, to read as follows:

Subdivision One of Article 1586 of the Revised Civil Statutes of the State of Texas, 1911, shall read as follows:

Article 1586. The courts of civil appeals shall be held at the following places respectively: One of the courts of civil appeals as established to be held in the First Supreme Judicial District in the city of Houston in the county of Harris, provided the county of Harris shall furnish free of charge and all rent to said court to the State of Texas for the use of the court of civil appeals, a court room.

MURPHY.

Amendment No. 3 to S. B. No. 197.

Amend Senate Bill No. 197, line 12, page 3, by striking out the word "Grimes."

LEWIS.

Amendment No. 4 to S. B. No. 197.

Amend S. B. No. 197 by adding after the word "McLennan" on line 26, page

3, the following: "and the Court of Civil Appeals for the Sixth Supreme Judicial District shall hold its sessions in the city of Longview in the county of Gregg." And strike out the words "its terms" after the word "and," line 26, page 3, and insert in lieu thereof "their terms."

STRONG.

Amendment No. 5 to S. B. No. 197.

Amend S. B. No. 197 by striking out the enacting clause.

THOMAS.

S. B. No. 317 on Second Reading.

On motion of Senator Rogers, by unanimous consent, the regular order was suspended, and the Senate took up out of its regular order,

S. B. No. 317, A bill to be entitled "An Act amending Article 1017, Chapter 11, Title 22, of the Revised Civil Statutes of 1911, so as to provide that the provisions of the Chapter be cumulative and declaring an emergency."

The bill was read second time, and on motion of Senator Rogers was laid on the table subject to call.

H. B. No. 63 on Passage to Third Reading.

Senator Cousins called up H. B. No. 63, relating to corporation court at Port Arthur, which was read second time on February 15, and laid on the table subject to call.

The Chair laid the bill before the Senate on its passage to third reading.

Senator Cousins offered the following amendment to the bill:

Amend House Bill No. 63, page 2, by striking out all of Section 3 and inserting the following instead:

Sec. 3. Said court shall be presided over by a judge, who shall be a licensed attorney, a resident and qualified voter of said city and shall not engage in criminal practice as an attorney during his term of office. Said judge shall be appointed by the commissioners of said city in the manner now provided by the existing charter and ordinance of said city for appointing the recorder of the recorder's court of said city, or in accordance with such charter and ordinances as may be hereafter adopted by said city for appointing the judge for the court hereby created. The tenure, term of office, removal of said judge and filling any

vacancy in said office shall be governed by the charter and ordinances of said city relating to the judge of the recorder's court of said city now existing or as hereafter amended. In the event said judge shall be disqualified or absent from the city, or for any reason unable to hold court, the mayor or chief executive officer of said city shall designate in writing, some competent person with the qualifications above described to do and perform the duties of said judge, who shall receive for his services, such compensation as may be allowed by the governing body of said city. The power of said special judge shall terminate when the disability of the regular judge shall cease.

The amendment was adopted.

H. B. No. 63 was then passed to third reading.

S. B. No. 341 on Second Reading.

On motion of Senator Stuart, by unanimous consent, the regular order was suspended, and the Senate took up out of its regular order,

S. B. No. 341, A bill to be entitled "An Act to provide a complete educational system commonly known as the county unit system, to be adopted by the respective counties of this State; providing for a special election to be called for the adoption of the system herein provided for; setting forth the general administration of the schools of such counties under a county board of education; providing for the election of such county board of education, defining their respective powers and duties and stating their qualifications, number to be elected, time and place of meeting of such board; providing for holding of elections in counties adopting the provisions of this Act, authorizing the county boards herein provided for to make a levy for school taxes in any rate not to exceed one (\$1) dollar on the one hundred (\$100) dollar valuation of taxable property in the county as assessed for other county and State taxes; providing for a treasurer of the county school funds, fixing his bond and prescribing his duties; providing for the appointment of a county superintendent of education, fixing his qualifications and duties; prescribing that a general system of classifying and grading all schools in such county shall be adopted; providing for the regulation of the schools as to sanitation and equip-

ment; providing for the creation of districts for the enforcement of the State compulsory attendance law; providing for a system of reports to be required by the county board of education and the State superintendent, and declaring an emergency."

The chair laid the bill before the Senate and it was read second time.

Senator Stuart offered the following amendment to the bill:

Amend Senate Bill 341, Sec. 5 thereof, so that the last sentence thereof shall read as follows:

In case the office of the county superintendent is temporarily vacant, or the county superintendent is absent by the nature of the business in hand, or otherwise, the board shall appoint someone to act, for the time being as secretary.

On motion of Senator Stuart, the amendment above, and the following amendments were ordered printed in the Journal, and the bill was laid on the table subject to call:

Amend Senate Bill 341, Sec. 2, so that the second sentence in said section shall read as follows:

The county board of education shall be composed of seven members, elected on the first Saturday in April, as provided by law for the election of county school trustees, one of whom shall be elected from each commissioner's precinct by the qualified voters of such precinct and three from the county at large who shall hold office for a term of four years or until their successors are elected, or appointed and qualified, under the provisions of this Act.

Omit all of the third sentence of said Section.

Amend Sec. 10, of Senate Bill 341, so that the second sentence of said section shall read as follows:

It shall be the duty of the county board of education before consolidating two or more separate schools located in separate school districts to call a meeting of the boards of trustees of such school districts to meet with the county board for the purpose of giving such board of local trustees an opportunity of being heard with reference to the advisability of making such consolidations.

Amend Senate Bill 341, Sec. 29, so that the last clause thereof, following the words "benefit of the schools within said district" shall read as follows: "and provided further that all property assessed for school pur-

poses by the county shall be assessed at such valuation as may be fixed by a county board of equalization, appointed by the county board of education, and such county school taxes shall be assessed and collected by an assessor and collector of taxes, appointed by the county board of education, said officer to receive such compensation as is provided in Sec. 31 of this Act."

Amend Sec. 56, Senate Bill 341, by inserting in the last line thereof, after the word "section" the number 27.

Amend Senate Bill 341, Section 57, by striking out all of said section after the end of the third sentence thereof, making the said Section end with the words, "as the duties of the board require."

S. B. No. 213 on Second Reading.

On motion of Senator McMillin, by unanimous consent, the regular order was suspended, and the Senate took up, out of its regular order,

S. B. No. 213, A bill to be entitled "An Act to provide for the organization or admission and regulation and taxation of incorporated mutual insurance companies, and declaring an emergency."

The Chair laid the bill before the Senate, it was read second time, and passed to engrossment.

S. B. No. 222 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

S. B. No. 222, A bill to be entitled "An Act creating and establishing the Santa Cruz Independent School District in Nueces County, Texas; defining its boundaries; providing for the election and qualification of trustees therefor and vesting said district with the rights, powers, duties and privileges of districts incorporated under General Laws for free school purposes, and declaring an emergency."

The bill was read second time and passed to engrossment.

Simple Resolution No. 69.

By Senator Pollard:

Whereas, Captain J. L. Thompson, a distinguished member of the Thirty-sixth and Thirty-seventh Legisla-

tures of the State of Texas, who rendered valiant service while a member of the Thirty-sixth Division in France, is now in the presence of the Senate; and,

Whereas, Certain statements derogatory to those valiant and heroic sons of Texas who served overseas with the Thirty-sixth Division have been made by Brigadier General Ely of the United States Army whose promotion to be Major General in the United States Army is awaiting confirmation of the United States Senate; be it

Resolved, That he be invited to address the Senate in answer to said statements reputed to have been made by General Ely.

POLLARD.
MURPHY.

The resolution was read and adopted.

The Chair appointed Senators Pollard, Rogers and Murphy, as a committee, to escort Captain Thompson to the President's stand, and he addressed the Senate.

Simple Resolution No. 70.

By Senator Thomas:

Whereas, this day is the birthday of George Washington; therefore be it

Resolved, That in sacred commemoration of this fact and in honor of his memory we spread upon the Journal this resolution of respect, and incorporate in the Journal the following from his farewell address as President of our great country:

Washington's Farewell Address.

Against the insidious wiles of foreign influence (I conjure to believe me, fellow citizens), the jealousy of a free people ought to be constantly awake; since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial; else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Exclusive partiality for one foreign nation, and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become sus-

pected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests, which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collusions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humor or caprice?

It is our true policy to steer clear of permanent alliances with any portion of the foreign world; so far, I mean, as we are now at liberty to do it, for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But, in my opinion, it is unneces-

sary and would be unwise to extend them.—From Washington's farewell address.

THOMAS.
HOLBROOK.
BAILEY.
STRONG.

The resolution was read and adopted unanimously.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, Feb. 22, 1923.

Hon. T. W. Davidson, President of
the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 38, A bill to be entitled "An Act creating the Adams Independent School District in San Patricio County, Texas, defining its boundaries, providing for the election of a board of trustees to manage and control the public free schools within said district, vesting said district with all the powers, rights, and duties of independent school districts created for free school purposes only, providing for the assumption by said district of all existing indebtedness of the territory embraced within the said district hereby created, and declaring an emergency."

H. B. No. 234, A bill to be entitled "An Act creating the Springlake Independent School District in Lamb County, Texas; defining its boundaries; providing for a board of trustees in said district; conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the General Laws of Texas upon independent school districts and the trustees thereof; providing for the election of its first board of trustees and their successors; providing that certain territory taken away from the Sudan Independent School District in Lamb County, Texas, and placed within the Springlake Independent School District shall remain chargeable with its pro rata part of any bonded indebtedness heretofore voted in said Sudan Independent School District; and providing that the Springlake Independent School District as herein created may as a whole vote to assume such pro rata part of said bonds; providing for the appointment of a board of equalization and tax assessor and collector for said district, and declaring an emergency."

H. B. No. 504, A bill to be entitled "An Act creating and incorporating the Southland Independent School District in the counties of Garza, Lynn and Lubbock, in the State of Texas; defining the boundaries thereof; providing for a board of trustees, their election, terms of office, qualifications, powers, duties and authority; authorizing the board of trustees to levy, assess and collect taxes for maintenance and building purposes, and to issue bonds; providing for an assessor and collector of taxes and a board of equalization; providing that said Southland Independent School District shall assume and discharge its pro rata part of any and all bonds, indebtedness and interest thereon now in force against the Slaton Independent School District on terms named in this Act; providing that said Southland Independent School District shall assume and discharge all bonds and indebtedness existing against any common school district whose lands are included within the boundaries of the district hereby created; validating and continuing in force any and all taxes heretofore voted and now in force in any of the territory included within the boundaries of Southland Independent School District as created by this Act; providing that title to any and all property belonging to said district shall vest in the trustees of the independent school district hereby created; providing for filling vacancies on the board of trustees; providing for a seal for said district; providing that the board of trustees shall be governed by the General Laws of Texas in all matters where this Act is silent; repealing all laws in conflict herewith; providing that invalidation by the courts of any section or provision of this Act shall not invalidate any remaining provisions of this Act, and declaring an emergency."

H. B. No. 509, A bill to be entitled "An Act creating and incorporating the Levelland Independent School District, in Hockley County, Texas; defining the boundaries thereof; providing for a board of trustees, their election, terms of office, qualifications, powers, duties and authority; authorizing the board of trustees to levy, assess and collect taxes for maintenance and building purposes, and to issue bonds; providing for an assessor and collector of taxes and a board of equalization; providing that said Levelland Independent School District shall assume and dis-

charge its pro rata part of the bonds and interest thereon now in force against the Ropes Independent School District on terms named in this Act as well as its pro rata part of other indebtedness; continuing valid and binding obligations of said Ropes Independent School District; validating and continuing in force any and all taxes heretofore voted and now in force in any of the territory included within the boundaries of Levelland Independent School District as created by this Act; providing that title to any and all property belonging to said district shall vest in the trustees of the independent school district hereby created; providing for filling vacancies on the board of trustees; providing for a seal for said district; providing that the board of trustees shall be governed by the General Laws of Texas in all matters where this Act is silent; repealing all laws in conflict herewith; providing that invalidation by the courts of any section or provision of this Act shall not invalidate any remaining provisions of this Act, and declaring an emergency."

H. B. No. 353, A bill to be entitled "An Act to prescribe a closed season for the hunting of blue quail or scaled quail in Lampasas County, Texas, and to provide adequate penalties for the unlawful taking, slaughter, storage, or possession of same; to repeal all laws in conflict herewith, and declaring an emergency."

H. B. No. 445, A bill to be entitled "An Act to amend Chapter 16 of the General Laws of the State of Texas passed by the Thirty-fourth Legislature at its First Called Session, changing the time of holding courts in the Thirty-third Judicial District of Texas by providing that said court shall hold three terms of two weeks each in Gillespie County, and by providing that the two terms of said court to be held in Burnet County may continue in session for three weeks each, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 476, A bill to be entitled "An Act repealing Chapter 30 of the General Laws of the Regular Session of the Thirty-seventh Legislature, which chapter relates to the jurisdiction of the county court of Edwards County, and which vested in the county court of said county civil and criminal jurisdiction as provided

by General Law for county courts; and reviving any and all laws which stand repealed by reason of said Chapter 30, General Laws, Regular Session Thirty-seventh Legislature, and declaring an emergency."

H. B. No. 494, A bill to be entitled "An Act creating a special road law for Fayette County; providing for a systematic method of road maintenance in harmony with the Davidson-Perkins Patrol Act; adapting the patrol system to the special wants of the county; providing for a budget system for the road and bridge funds of the county; authorizing and directing the commissioners' court to employ a practical road superintendent when in their judgment his services are necessary, and in the absence of such road superintendent making the commissioners such ex-officio road superintendent of his respective commissioners' precinct; prescribing the duties and liabilities of all persons subject to road duty; fixing penalties for the violation or neglect of such duty so imposed; providing that the Act shall be cumulative to existing laws where not in conflict therewith; providing for power and procedure for the protection of roads and highways against unusually heavy traffic, and declaring an emergency" with engrossed rider.

H. B. No. 499, A bill to be entitled "An Act to prescribe a closed season on quail and doves in Grayson and Collin counties; providing penalties for violation of same; providing that road runners or chapperals may be killed at any time, and providing that if any section or part of section of this Act be declared unconstitutional, the remainder of such Act shall remain in full force and effect; adequate fees for the securing of convictions; repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 505, A bill to be entitled "An Act to amend the Special Road Law of Smith County, Texas, passed at the Regular Session of the Thirty-third Legislature, and known as Chapter 70, Special Laws of the Thirty-third Legislature, by providing that delinquent poll tax payers of Smith County shall be subject to road duty; prescribing penalties for failure to work the roads; providing for the payment of a sum of money

in lieu of such road duty; providing how the law is to be enforced, and declaring an emergency," with engrossed rider.

H. B. No. 507, A bill to be entitled "An Act creating the Simmons Independent School District in Live Oak County, Texas; defining its boundaries; providing for a board of trustees; vesting title to all school property within said school district in the trustees and their successors; charging said district with all indebtedness and the performance of all contracts of the school included within the district; providing that the board of trustees heretofore elected and now serving the Simmons Common School District No. 2, as now existing, shall continue in office for the district hereby created until the expiration of their term and their successors shall have been elected and qualified; authorizing the trustees to exercise all the rights and powers conferred by General Laws upon trustees of independent school districts created for school purposes only under the General Laws; validating and continuing in force the local maintenance taxes heretofore voted by the voters in the territory included within the district hereby created, by a uniform tax upon the whole district, increase or diminish the same, or until they abolish such taxes in accordance with the General Statutes; providing that if any part of this Act is held ineffective or unconstitutional, the remaining part of this Act shall not be invalidated; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 508, A bill to be entitled "An Act to amend Section 3 of an Act creating the Poteet Independent School District in Atascosa County, Texas, being Chapter 23 of the Acts of the Thirty-third Legislature, Regular Session; providing for the management and control of the public free schools within said district, and declaring an emergency."

H. B. No. 518, A bill to be entitled "An Act creating the Brackett Independent School District in Kinney County, Texas; defining its boundaries, including the Brackett Independent School District; providing for a board of trustees in said district; conferring upon said district and its boards of trustees all the

rights, powers, privileges and duties now conferred and imposed by the General Laws upon independent school districts and the boards of trustees thereof; providing that the present board of trustees shall continue in office until the expiration of their respective terms and validating their elections; providing that outstanding bonds shall remain chargeable against the territory which voted same; providing for an election for the purpose of assuming said bonded indebtedness by the district as herein created; providing for the appointment of an assessor and collector and board of equalization for said district; repealing laws in conflict herewith, and declaring an emergency."

H. B. No. 519, A bill to be entitled "An Act validating Consolidated Common School District No. 1 of Castro County, Texas, and validating an issue of bonds heretofore voted by said district, and declaring an emergency."

H. B. No. 537, A bill to be entitled "An Act to provide for the designation of district judges to hold special terms of court in the various judicial districts in the State when accumulation or urgency of business of the public interest justify or require such designation; providing for the manner of designation, and providing further for the appointment of a clerk by the Supreme Court, prescribing his duties and fixing his salary; and prescribing the manner in which reports shall be made by the various district courts to the Supreme Court showing the condition of the dockets of the various district courts, and declaring an emergency."

S. B. No. 171, A bill to be entitled "An Act creating the West Independent School District in the county of McLennan, State of Texas; defining its boundaries; providing for a board of trustees to manage and control the public free schools within said district; divesting the City of West and the old West Independent School District, as heretofore created, of the control of its public free schools, and the title of all property now held and used for free school purposes; and vesting the same in the West Independent School District as here created, and its board of trustees; and providing that all moneys now on hand or to be hereafter acquired for school purposes from the

sale of bonds or otherwise be delivered by the City of West or the West Independent School District, as heretofore existing, unto the board of trustees of the West Independent School District, as here now created; and providing for the assessment and collection of taxes; and for the appointment and election by the board of trustees of a treasurer and other officers, granting power unto said board of trustees to issue bonds and providing for a sinking fund therefor; granting power unto said board of trustees to purchase school sites and to erect, furnish, equip and maintain school and school buildings within said district; and granting such other powers as are granted by General Law to cities and towns incorporated for school purposes only; and providing for an emergency."

S. B. No. 204, A bill to be entitled "An Act creating the El Carre Independent School District, in Jim Wells County, Texas; defining its boundaries, providing a board of three trustees, and for the election of their successors, investing said district and its trustees with full powers, privileges, and duties as provided by General Law for school districts, incorporated for free school purposes only; investing the trustees with the control of the public schools in said district, authorizing the levy and collection of taxes for certain purposes, authorizing the commissioners' court of said county to levy, and the assessor to assess, and the collector to collect, under certain conditions, such taxes as the trustees of said school district shall request, and declaring an emergency."

S. B. No. 205, A bill to be entitled, "An Act creating the Sheerin Independent School District in Jim Wells County, Texas; defining its boundaries, providing a board of three trustees, and for the election of their successors, investing said district and its trustees with full powers, privileges, and duties as provided by General Law for school districts incorporated for free school purposes only; investing the trustees with the control of the public schools in said district; authorizing the levy and collection of taxes for certain purposes; authorizing the commissioners' court of said county to levy, and the assessor to assess, and the

collector to collect, under certain conditions, such taxes as the trustees of said school district shall request, and declaring an emergency."

S. B. No. 206, A bill to be entitled "An Act creating the Dilworth Independent School District in Jim Wells County, Texas; defining its boundaries, providing a board of trustees, and for the election of their successors, investing said district and its trustees with full powers, privileges, and duties as provided by General Law for school districts, incorporated for free school purposes only; investing the trustees with the control of the public schools in said district, authorizing the levy and collection of taxes for certain purposes, authorizing the commissioners' court of said county to levy, and the assessor to assess, and the collector to collect, under certain conditions, such taxes as the trustees of said school district shall request, and declaring an emergency."

S. B. No. 316, A bill to be entitled "An Act making an appropriation of the unexpended balance of the American Legion Memorial Sanatorium appropriation; and appropriating for said sanatorium the amount received from the American Legion and Benevolent War Risk Society with authority to use said amount for the sanatorium and to redeem any pledges or obligations to the donors of same in connection with said sanatorium; and declaring an emergency."

S. C. R. No. 17, relating to the erasure of the names of the Speaker of the House and President of the Senate on his enrolled copy of S. B. No. 52.

House requests the Senate to return S. B. No. 52 for further consideration.

Concurred in Senate Amendments to H. B. No. 132.

Concurred in Senate Amendments to H. B. No. 102 by the following vote: 102 yeas, 4 nays.

Has granted the request of the Senate for a Conference Committee to adjust the differences on S. B. 110 and the following committee is appointed on part of the House:

Price, Patman, Loftin, Blount, and Irwin.

Respectfully submitted,
C. L. PHINNEY,
Chief Clerk, House of Representatives.

Bills Signed.

The Chair, Lieutenant Governor Davidson, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 131.
H. B. No. 309.
H. B. No. 241.
H. B. No. 276.
S. B. No. 171.
S. B. No. 204.
S. B. No. 316.
S. B. No. 205.
S. B. No. 206.
S. B. No. 229.

Bills Read and Referred.

The Chair (Lieutenant Governor T. W. Davidson) had referred, after their captions had been read, the following bills:

H. B. No. 38, referred to Committee on Educational Affairs.
H. B. No. 234, referred to Committee on Educational Affairs.
H. B. No. 353, referred to Committee on State Affairs.
H. B. No. 445, referred to Committee on Judicial Districts.
H. B. No. 476, referred to Committee on Judicial Districts.
H. B. No. 499, referred to Committee on State Affairs.
H. B. No. 504, referred to Committee on Educational Affairs.
H. B. No. 505, referred to Committee on Roads, Bridges, Ferries.
H. B. No. 507, referred to Committee on Educational Affairs.
H. B. No. 508, referred to Committee on Educational Affairs.
H. B. No. 509, referred to Committee on Educational Affairs.
H. B. No. 518, referred to Committee on Educational Affairs.
H. B. No. 519, referred to Committee on Educational Affairs.
H. B. No. 537, referred to Committee on Civil Jurisprudence.

Adjournment.

On motion of Senator Floyd, the Senate at 5:30 p. m. adjourned until 10 o'clock a. m. tomorrow.

APPENDIX.**Committee Reports.**

Senate Chamber,
Austin, Texas, Feb. 22, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 340 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,
Austin, Texas, Feb. 22, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 149 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,
Austin, Texas, Feb. 22, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 180 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,
Austin, Texas, Feb. 22, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 345 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,
Austin, Texas, Feb. 22, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 313 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,
Austin, Texas, Feb. 22, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 314 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,
Austin, Texas, Feb. 22, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 220 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,
Austin, Texas, Feb. 22, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 179 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,
Austin, Texas, Feb. 22, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 343 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,
Austin, Texas, Feb. 22, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 181 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,
Austin, Texas, Feb. 22, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 324 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,
Austin, Texas, Feb. 22, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 142 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,
Austin, Texas, Feb. 22, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 346 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,
Austin, Texas, Feb. 21, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on Enrolled Bills have carefully compared Senate Bill No. 74, and find the same

correctly enrolled and have this day at 10:15 o'clock a. m. presented the same to the Governor for his approval.

DARWIN, Chairman.

Senate Chamber,
Austin, Texas, Feb. 21, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on Enrolled Bills have carefully compared Senate Bill No. 92, and find the same correctly enrolled and have this day at 10:15 o'clock a. m. presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room,
Austin, Texas, Feb. 22, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage to whom was referred

S. B. No. 330, A bill to be entitled "An Act amending Section 1 of Chapter 46, Acts of the Third Called Session of the Thirty-Sixth Legislature, fixing the fees to be paid to the State and the State Board of Water Engineers upon the filing of applications for permits for the storage, diversion and use of water, fixing maximum fees in the sum of fifteen hundred dollars, declaring an emergency."

Have had the same under consideration, and I am instructed to return same to the Senate with the recommendation that it do pass.

HOLBROOK, Acting Chairman.

Committee Room,
Austin, Texas, Feb. 22, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

H. B. No. 287, A bill to be entitled "An Act providing that a water improvement district which has made and filed an application with the State Board of Water Engineers for the appropriation and use of water on certain defined lands and for the storage of the water of a stream and water shed and shall have been granted a permit therefor by the State Board of Water Engineers, and parts of said land for which such water was appropriated for irrigation are not included within such district granted such permit but

is included within another district, the said district to which said permit was granted may convey same and all rights granted by said permit insofar as same pertain to said lands to the district in which said lands are located, validating such permits, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

HOLBROOK, Acting Chairman.

Committee Room,

Austin, Texas, Feb. 22, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

H. B. No. 566. A bill to be entitled "An Act to amend Chapter 87 of the Acts of the Regular Session of the Thirty-fifth Legislature, and amendments thereof, by adding thereto a new section to be known as Section 138, and providing that the Board of Directors of a water improvement district may exclude from same without requiring an application therefor for lands which cannot be irrigated by gravity flow from the canal system as planned and constructed, and if the owner of such lands shall thereafter and within one year elect to place said lands or part thereof in cultivation by use of water from said irrigation system by means other than provided at the time said lands were excluded, same may be again included in said district upon the application of the owner thereof made as provided by law, providing the manner of excluding and again including such lands in a district, also amending said Act by amending Section 8 of Chapter 13 of the Acts of the Thirty-seventh Legislature, Regular Session, which Act amended said Chapter 87, Acts Regular Session of the Thirty-fifth Legislature, providing for the organization and operation of water improvement districts. This Act amends Section 122 of said Chapter 87, Acts Regular Session, Thirty-fifth Legislature, as amended by Section 8, Acts of the Regular Session of the Thirty-seventh Legislature, and providing the manner and mode of levying and assessing taxes by such districts which may adopt the assessment of benefit plan of taxation and that such districts may be by election adopt a uniform basis of

benefits applying to all lands irrigated by gravity flow from the canal system, and for a different basis of assessment on uniform basis on all lands classed as non-irrigable by gravity flow and providing that if lands so classed as non-irrigable are thereafter irrigated the method of determining the amount of payments to be made thereon. The manner of adopting such assessment by election, declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

HOLBROOK, Acting Chairman.

Committee Room,

Austin, Texas, Feb. 22, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 47, A bill to be entitled "An Act to amend Sections One (1) and Fifteen (15) of Chapter Eighty-one (81) of the General Laws of the State of Texas, passed by the Fourth Called Session of the Thirty-fifth Legislature, approved April 3, 1918, creating the Commission of Appeals of the State of Texas, as amended by Chapter Thirty-four (34) of the General Laws of the State of Texas, passed by the Second Called Session of the Thirty-sixth (36) Legislature, approved July 25, 1919, as amended by Chapter One Hundred Nineteen (119) of the General Laws of the State of Texas, passed by the Regular Session of the Thirty-seventh (37) Legislature, approved March 31, 1921, extending the term of said Commission to the last Saturday in June, 1923, and providing for the appointment of judges for said extended term of said Commission from the last Saturday in June, 1923, until the last Saturday in June, 1925, for the appointment of judges for said extended term; providing for the qualifications thereof and fixing the same, and providing and fixing the salaries of the same and the manner of payment thereof, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,
Austin, Texas, Feb. 21, 1923
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 70, A bill to be entitled "An Act to amend Article 2178, Title 24, of the Revised Civil Statutes of Texas, making attorney's fees recoverable in certain cases, by adding thereto a provision making attorney's fees recoverable in certain suits for loss of, or damage to express shipments, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,
Austin, Texas, Feb. 21, 1923
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 177, A bill to be entitled "An Act to amend Article 5645, Chapter 4, Title 86, Revised Statutes of 1911, Chapter 152 of the General Laws of 1897, Acts of the Twenty-fifth Legislature, same being an Act to protect accountants, bookkeepers, clerks, artisans, craftsmen, operatives, servants, mechanics, quarrymen, common laborers, and farm hands; to provide a lien and preserve a time of payment in lawful money of the United States and prescribing the duty of the assignee or assignees of such person or persons, employer, firm or corporation, by changing the time when a duplicate account shall be presented to employer, person, firm or corporation from thirty days to ninety days, and by changing the time of filing the other duplicate account with the county clerk from thirty days to ninety days; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,
Austin, Texas, Feb. 19, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 217, A bill to be entitled "An Act to amend Articles 1941 and 1942 of the Revised Civil Statutes of Texas so as to do away with the appointment of an attorney ad litem in suits where defendant has been cited by publication unless the court appointing a guardian ad litem for a minor, lunatic, idiot or a non compos mentis, unless the court shall, after hearing the case, conclude that such guardian ad litem shall be appointed, and repealing all laws in conflict herewith."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

BAILEY, Chairman.

Committee Room,
Austin, Texas, Feb. 21, 1923
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 353, A bill to be entitled "An Act to amend Article 4364, Revised Civil Statutes of 1911, providing for the bond of the State Treasurer so as to provide for the making of such bond with a surety company and the payment of the expense incident thereto by the State; and to amend Article 4373, Revised Civil Statutes of 1911; providing for the appointment of a chief clerk and the giving of bond by him, and also providing for the appointment of other employees so as to provide for the appointment of the chief clerk, and the giving of a bond by him with a good and solvent surety company, and further to provide for the appointment of other employees and the giving of bonds by each of them, and to require the State to pay the necessary expenses incident to the execution of said bond or bonds; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

BAILEY, Chairman.

Committee Room,
Austin, Texas, Feb. 22, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred House Bill No. 445, relating to the time of holding court in the Thirty-third Judicial District, have had same under consideration, and I am instructed to report it back with the recommendation that it do pass and be not printed.

POLLARD, Chairman.

Committee Room,
Austin, Texas, Feb. 22, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

H. B. No. 319, A bill to be entitled "An Act to repeal Chapter 45 of the Local and Special Laws of the Twenty-seventh Legislature, same being an Act to provide a more efficient public road system for Montgomery County, Texas, and declaring an emergency."

Have had same under consideration, and I am instructed by the Committee to report same back to the Senate with recommendation that it do pass.

FLOYD, Vice-Chairman.

Committee Room,
Austin, Texas, Feb. 22, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

H. B. No. 419, A bill to be entitled "An Act to amend Article 7017, Revised Civil Statutes, 1911, conferring authority upon the commissioners' courts of two or more counties to join in the construction of bridges, and pay for the same out of the funds of the respective counties; and declaring an emergency."

Have had same under consideration, and I am instructed by the Committee to report same back to the Senate with the recommendation that it do pass.

FLOYD, Vice-Chairman.

Committee Room,
Austin, Texas, Feb. 22, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your committee on

Roads, Bridges and Ferries, to whom was referred

H. B. No. 37, A bill to be entitled "An Act repealing Chapter 17, Local and Special Laws, enacted by the First Called Session of the Thirty-third Legislature and amended by the Regular Session of the Thirty-sixth Legislature, entitled San Patricio County Road System, Creating, providing that the General Laws of the State of Texas relating to working public roads, appointing overseers, the issuance of bonds for the construction of public roads, shall be applicable to San Patricio County, validating all defined road districts defined, created, and established under and by virtue of said San Patricio County Special Road Law, as well as the road bonds issued thereunder, and declaring an emergency."

Have had same under consideration, and I am instructed by the Committee to report same back to the Senate with the recommendation that it do pass.

FLOYD, Vice-Chairman.

Committee Room,
Austin, Texas, Feb. 22, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

H. B. No. 505, A bill to be entitled "An Act to amend the Special Road Law for Smith County, Texas, passed at the regular session of the Thirty-third Legislature, and known as Chap. 70, Special Laws of the Thirty-third Legislature, by providing that delinquent poll tax payers of Smith County shall be subject to road duty; prescribing penalties for failure to work the roads; providing for the payment of a sum of money in lieu of such road duty; providing how the law is to be enforced and declaring an emergency."

Have had same under consideration, and I am instructed by the Committee to report same back to the Senate with the recommendation that it do pass.

FLOYD, Vice-Chairman.

Committee Room,
Austin, Texas, Feb. 22, 1923.
Hon. T. W. Davidson, President of
the Senate.

Sir: We, your Committee on

Roads, Bridges and Ferries, to whom was referred

S. B. No. 364, A bill to be entitled "An Act to repeal Chapter 74, Special Laws of the Thirty-second Legislature, as amended by Chapter 96, Special Laws of the Thirty-third Legislature, and as further amended by Chapter 89, Special Laws of the Thirty-fourth Legislature, relating to the road system of Leon county; and declaring an emergency."

Have had same under consideration, and I am instructed by the Committee to report same back to the Senate with the recommendation that it do pass.

FLOYD, Vice-Chairman.

Committee Room,

Austin, Texas, Feb. 22, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

H. B. No. 494, A bill to be entitled "An Act creating a special road law for Fayette County, providing for a systematic method of road maintenance in harmony with the Davidson-Perkins Patrol Act, adopting the patrol system to the special wants of the county; providing for a budget system for the road and bridge funds of the county; authorizing and directing the commissioners' court to employ a practical road superintendent when in their judgment his services are necessary, and in the absence of such road superintendent making the commissioners each ex-officio road superintendent of his respective commissioners' precinct; prescribing the duties and liabilities of all persons subject to road duty; fixing penalties for all the violation or neglect of such duty so imposed; providing that the Act shall be cumulative to existing laws where not in conflict therewith; providing for power and procedure for the protection of roads and highways against unusually heavy traffic, and declaring an emergency."

Have had same under consideration, and I am instructed by the Committee to report same back to the Senate with the recommendation that it do pass.

FLOYD, Vice-Chairman.

THIRTY-THIRD DAY.

Senate Chamber,

Austin, Texas.

Friday, February 23, 1923.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor T. W. Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Pollard.
Baugh.	Ridgeway.
Bowers.	Rogers.
Clark.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.
Parr.	

Absent.

Cousins. Murphy.

Absent—Excused.

Rledsoe.	Dudley.
Burkett.	Rice.

Prayer by the Right Reverend Kinsolving.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Watts.

Bills and Resolutions.

By Senators Bowers and Lewis:

S. B. No. 377, A bill to be entitled, "An Act designating the lands acquired by the State of Texas under the provisions of Chapter 3, General Laws, passed at the First Called Session of the Thirty-fourth Legislature, as 'The Washington State Park'; providing for the creation of a commission to be known as 'The Washington State Park Commission'; charging said commission and the State Board of Control with the joint duty of preserving, protecting, improving and beautifying said park, and declaring an emergency."

Read first time and referred to Committee on Public Buildings and Grounds.

By Senator Strong:

S. B. No. 378, A bill to be entitled "An Act to amend Sections 656, 657